

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

VICTOR S. SEPULVEDA

PETITIONER

VS.

CIVIL ACTION NO. 3:13-cv-840(DCB)(MTP)

M. MARTIN

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 18**) regarding the petition of Victor S. Sepulveda, in which the petitioner challenges a conviction in a disciplinary proceeding by the Bureau of Prisons, following an altercation between petitioner and another inmate at FCI Yazoo City. In his petition, petitioner argues that (1) his due process rights were violated by the disciplinary hearing; (2) there was insufficient evidence to support his conviction; and (3) the Disciplinary Hearing Officer failed to consider exculpatory evidence in the form of a video depicting the alleged assault.

It is well-settled that a prisoner disciplinary conviction must only be supported by "some evidence." See Superintendent, Mass. Corr. Inst. v. Hill, 472 U.S. 445, 456 (1985). In his Report and Recommendation, Magistrate Judge Parker finds that there was no due process violation and there was clearly "some evidence" to support the Disciplinary Hearing Officer's finding. The magistrate judge recommends that the petition be denied and dismissed with prejudice.

The Report and Recommendation provides that, in accordance with the rules and 28 U.S.C. § 636(b)(1), any party, within fourteen days after being served a copy of the recommendation, may serve and file written objections to the recommendations. The petitioner did not file any objections.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 18**) is ADOPTED as the findings and conclusions of this Court;

FURTHER ORDERED that the Petition (docket entry 1) is denied with prejudice.

A final judgment dismissing this cause with prejudice shall be entered this day.

SO ORDERED, this the 27th day of May, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE